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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 7

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OFFICE OF RESEARCH

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House Week in Review

With the ratification of acts last week, significant legislation was sent to the Governor for his signature. In addition, the House gave third reading approval to a number of important bills and set the stage for a much-debated hazardous waste bill to be sent to a conference committee.

Ratified Acts

Among the acts ratified last week were S.1157, the Public Accommodations and Discrimination bill and H.3052, Obscene Bumper Sticker legislation. Both these bills were summarized in the April 17 Legislative Update.

Also ratified were S.1331, which will require a fiscal impact statement for mandated health insurance changes; S.1112, which will define and prohibit contraband articles for juveniles at DYS; and H.4738, which directs the Joint Health Care Planning and Oversight Committee to assess the regulations for small and rural hospitals.

These acts now go to Gov. Campbell for his signature.

House-Passed Legislation

The House also gave final approval to a number of significant bills last week. S.1202, which would regulate agents' dealings with student athletes, was amended by the House and sent back to the Senate.

The House also gave third reading to S.1137, the Adult Health Care Consent Act, which also was sent back to the Senate.

The most debated measure of the week was H.3169, the legislation that would cap the amount of hazardous waste landfilled in South Carolina.

Hazardous Waste Bill

For the past two weeks, the House intermittently discussed whether it should concur with the Senate amendment to H.3169. Sponsors of the bill objected to the Senate changes, saying they eliminated an important philosophical statement on the halting the commercial landfilling of hazardous waste in South Carolina at the earliest possible date, and that the Senate had broadened the exceptions to the waste limitations.

What the Senate had eliminated was an opening provision in the proposed statute which read:

"The policy of this state is that hazardous waste must cease being landfilled in this state at the earliest possible time. The Department of Health and Environmental Control shall evaluate annually the effect of increased fees for burial, interstate arrangements or compacts, alternate methods of storage or disposal, recycling, incineration, and other methods of treatment and other factors which tend to reduce the volume of hazardous waste. The results of the Department of Health and Environmental Control evaluation must be reported to the General Assembly not later than February first of each year, beginning in 1991, together with the department's recommendations for reduced landfill capacity."

Caps on the amount of hazardous waste buried remained the same in the Senate's amendments; however, the chamber broadened the exceptions that may be made to these limits. Under the Senate's amendments, DHEC could authorize exceeding the statutory limits during each 12-month period if:

- Further burial at the site is needed for South Carolina-generated waste, or
- At least 110,000 tons of waste disposed of by landfilling during the past year was generated in South Carolina.

The amendment further stated that during each 12 month period, each disposal facility would reserve at least the same capacity to dispose of South Carolina waste as was buried the year before.

The original House bill had stated that the commissioner of DHEC could allow burial of waste in excess of that year's limitation with the certification that disposal by landfill burial from a particular site was necessary to protect the health and safety of the people of South Carolina. The House bill further stated that preference must be given to hazardous waste generated by industry with the state. These provisions did not appear in the Senate amendments.

The House tabled numerous amendments to the bill which would have restored the statement regarding the halting of hazardous waste landfilling at the earliest possible time. The chamber also tabled several amendments which would have added a limitation on the amount of infectious waste that could be incinerated in the state. These latter amendments paralleled H.4246, which is now before the Senate.

However, following a statement by House Speaker Sheheen, the House voted 28-80 not to concur with the Senate amendments, thus starting the process to send H.3169 to a House-Senate conference committee.

Trustee Elections

Much of Wednesday was spent electing new trustees to the state college and university governing boards. Here are the results of that balloting:

To the Citadel board

Leonard C. Flughum
James M. Leland Jr.

To the Clemson board

Joseph D. Swann
Harold D. Kingsmore
William J. Neely Jr.

To the Winthrop board

Jane C. Shuler
David A. White
Andrew Crane

To the S.C. State board

Joseph R. Douglas

To the MUSC board

Dr. Harrison L. Peeples
Dr. Thomas C. Rowland Jr.
Dr. Stanley C. Baker Jr.
Herbert C. Granger
Robert C. Lake Jr.
Phillip D. Sasser
Jack F. McIntosh

To the USC board

Othniel H. Wienges Jr.
A.S. Bahnmuller
William C. Hubbard
Louis C. Sossamon
Donald A. Bailey
Michael J. Mungo
Dr. C. Edward Floyd
Mack Whittle Jr.

To the College of Charleston board

Dr. Gordan B. Stine
Joe E. Berry Jr.
Thomas W. Weeks
Robert S. Small
F. Creighton McMaster
James David Watson
Alton E. Jones
John F. Clark III

To the Francis Marion board

Howard G. Lundy Jr.
Earl E. McLeod Jr.
Gail Ness Richardson
Ellen Carter Watson
Edward S. Ervin III
Peter D. Hyman
Dianne H. Brown
Allard A. Allston

To the Lander board

Thomas L. Hansen
Bobby M. Bowers
Martha W. Barnette
Martha S. Whitener
Jack H. Boger
Dr. Glenn Lawhon
Estelle Murray Mauldin
John E. Johnston
J.W. Gregory

Bills Introduced

Here is a sampling of bills introduced in the House during the past week. Not all the bills introduced in the House are featured here. The bills are organized by the standing committees to which they were referred.

Education and Public Works Committee

Motorcycle Safety Instruction (S.1160, Sen. Lourie). Riders who complete a motorcycle safety program would be eligible for reduced insurance rates under this legislation. The bill establishes a motorcycle safety instruction program at the state's technical colleges. The safety program would have to incorporate the Motorcycle Safety Foundation's Motorcycle Rider Course core curriculum or the equivalent.

Labor, Commerce and Industry Committee

Penalty Notice (S.907, Sen. Moore). This legislation would add a provision to the revised automobile insurance laws that notices of cancellation must contain a statement outlining the range of potential penalties an individual would pay for driving without insurance.

This legislation also creates a new code section dealing with liability insurance and vehicles not driven because they are being restored. Under this provision, a motor vehicle that is not being driven because it is being restored would not have to have liability insurance. Neither would the vehicle's tags need to be returned to the Highway Department due to the lack of insurance. Upon request, the owner would have to verify under oath in writing the facts concerning the vehicle with the Highway Department.

However, if the vehicle is driven without the liability insurance, it would be a misdemeanor, with the following penalties:

- For first offense, a fine between \$100 and \$200 or 30 days jail time;
- For second offense, a fine between \$200 and \$500 or 30 days jail time;

- For a third or subsequent offense, a fine of between \$500 and \$1,000 and/or 30 days jail time.

An individual who falsely declares a vehicle is being restored would be guilty of perjury.

Medical, Military, Public and Municipal Affairs Committee

Clean Indoor Air and Promotion of Public Health Act of 1990 (S.138, Sen. Wilson). The purpose of this bill is to allow non-smokers to be free from exposure to tobacco smoke while in public indoor places.

Under this legislation, it would be unlawful to smoke or possess lighted smoking material in any form in

- Public schools, preschools and day care centers;
- Health care facilities, including acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, tuberculosis hospitals, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, and residential treatment facilities for children and teenagers;
- Government buildings;
- Elevators;
- Public transportation vehicles; and
- Arenas and auditoriums of public theaters and art centers.

However, there are a number of exceptions. These include:

- Smoking would be permitted in enclosed teacher lounges and private offices in public schools, preschools and day care centers.
- In government buildings, smoking would be allowed in enclosed private offices and designated employee break areas. Smoking policies for the Statehouse and legislative office buildings would be determined by the office or body which has authority over that area of the building.
- Smoking would be permitted in taxicabs.
- In art centers or public theaters, smoking areas could be designated in foyers, lobbies or common areas. However, where smoking is permitted, managers would post signs designating smoking and non-smoking areas. In addition, the management would "make every effort" to keep the smoking area from impinging on the smoke-free areas.

Violation of these provisions would be a misdemeanor carrying a fine between \$10 and \$25. The bill specifically states that no authorization is given to require any person to submit to tests to determine whether nicotine or other tobacco residue is present.

Prisoner's Disciplinary Record (S.1474, Senate Corrections and Penology Committee). Under this legislation, the state Parole Board would have to include a review of a prisoner's records -- including his disciplinary record -- before, during, and after jail time served before making a decision on parole.

In addition, the bill contains a provision stating that all of a prisoner's in-prison disciplinary records and, with the prisoner's consent, all records involving awards, honors, earned work credits and educational credits, would be subject to the Freedom of Information Act.

Without Reference

School Transportation Pilot Projects (S.1514, Sen. Setzler). This legislation directs the Joint School Bus Transportation Study Committee to select up to six pilot projects for public school transportation as funded in the new 1990-91 budget bill.